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 CITY AND COUNTY OF SAN FRANCISCO, ANTHONY  
 15 IRONS, MICHAEL QUAN, AND ALAN WONG

16 **UNITED STATES DISTRICT COURT**

17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

19 MITCHELL ENGINEERING, a California  
 20 corporation,

No. CV 08-4022 SI

21 Plaintiff,  
 22 v.  
 23 CITY AND COUNTY OF SAN  
 24 FRANCISCO, [a political subdivision of  
 the State of California], ANTHONY  
 25 IRONS, in his individual and official  
 capacity, MICHAEL QUAN, in his  
 individual and official capacity, ALAN  
 26 WONG, in his individual and official  
 capacity,

**[PROPOSED] ORDER DISMISSING ALL  
 CLAIMS AGAINST DEFENDANTS  
 MICHAEL QUAN AND ALAN WONG  
 WITH PREJUDICE**

Action Filed: August 22, 2008  
 Trial Date: August 30, 2010

27 Defendants.

1           In response to Plaintiff Mitchell Engineering's filing of a Notice of Voluntary Dismissal of  
2 Defendants Michael Quan and Alan Wong without prejudice on May 14, 2010 and Defendants  
3 Quan's and Wong's Motions for Summary Judgment filed that same day, which objected to their  
4 dismissal without prejudice, and pursuant to Federal Rule of Civil Procedure 41(a)(2), the Court  
5 hereby orders all claims against Defendants Michael Quan and Alan Wong dismissed with  
6 prejudice. This dismissal with prejudice is subject to the following conditions: (1) the right to  
7 pursue fees and costs for Defendants Quan's and Wong's defense and all potential claims against  
8 Plaintiff Mitchell Engineering are preserved, and (2) during trial, Plaintiff Mitchell Engineering is  
9 precluded from referring to purported constitutional violations by Defendants Quan and Wong  
10 and any evidence referring or relating to them.

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12           IT IS SO ORDERED

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14           DATED: August \_\_\_, 2010

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THE HONORABLE SUSAN ILLSTON  
JUDGE OF THE U.S. DISTRICT COURT

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